

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

WESTPORT PROPERTY INVESTMENTS

v.

PATRICK TURNER, ET AL.

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Civil No. – JFM-14-557

MEMORANDUM

Plaintiff has filed a motion for summary judgment. The motion has been fully briefed. The motion will be granted.


There can be no question that through the activities of Kenneth Frank, Inner Harbor West LLC cooperated in the filing of bankruptcy proceedings against it *inter alia* inducing one of the petitioning creditors, Dixie Construction, to file the petition by promising Dixie Construction that it would be paid for doing additional site work.¹ Unless he was engaging in unethical behavior (a fact that should not be assumed) Frank represented not only Thomas Fore but also Patrick Turner and Inner Harbor West LLC. During the course of his representation he solicited the names of creditors to bring an involuntary petition against Inner Harbor West LLC to stop the anticipated foreclosure of the property in which it held an interest. Frank also communicated with Jeffery Sirody, who eventually became the bankruptcy counsel for Inner Harbor West LLC, regarding the filing of the bankruptcy case. Sirody kept in contact with Frank concerning the progress of the bankruptcy proceedings, and Sirody advised Frank of Turner's

¹ It is also noteworthy that one of the petitioning creditors for the bankruptcy proceedings was one of Inner Harbor West LLC's former attorneys.

obligation to convert the involuntary Chapter 7 bankruptcy to a case under Chapter 11.²

A separate order granting plaintiff's motion for summary judgment is being entered herewith.

Date: 5/15/15



J. Frederick Motz
United States District Judge

² Even if Frank's activities were not themselves sufficient to establish the involvement of Inner Harbor West LLC's and Turner's participation in the filing of the bankruptcy proceedings, the role played by the partnership's prior attorney instituting an involuntary bankruptcy proceeding against Inner Harbor West LLC may have itself been sufficient to establish the partnership's involvement in the filing of the bankruptcy proceedings. See *Sh. Sep 1875 Honeycrisp Blvd. Holdings, LLC v. Starman*, 2012 WL 683379 (E.D. Mich. March 2, 2012).